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25944 7590 07/10/2007
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EXAMINER

HIRL, JOSEPH P

ART UNIT	PAPER NUMBER
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2129

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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DETAILED ACTION

1. This Office Action is in response to an AMENDMENT entered May 9, 2007 for the patent application 10/822849 filed on April 13, 2004.
2. The First Office Action of December 12, 2006 is fully incorporated into this Office Action by reference.

Status of Claims

3. Claims 5-14, 16-20 and 22-26 are pending.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 16-20, 22-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The subject claims limit to a "computer program product" that is not further defined in the specification and which in the general sense is interpreted to be computer program per se which is non statutory.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 5-14, 16-20 and 22-26 are rejected under 35 U.S.C. 102(b) as being anticipated by BrainMaker (California scientific Software, Neural Network Simulation Software User's Guide and Reference, referred to as **BrainMaker**).

Examiner's Note (EN): ¶ 14. applies. Claims 5-14 limit to an apparatus. Claims 16-20, 22-26 limit to a method or process. Notwithstanding such limitations, generally there is an input, analysis/calculation and an output. The input limits to experience knowledge which is generally training data. An individual is identified but since the invention relates to an apparatus or computer methodology, such individual is generally interpreted to be a node in the system of limitations. A limitation related to a display will be anticipated by a generic computer system. Integration of such limitations can be mapped to a neural network such as BrainMaker where training data is used to train the neural network that is then used to predict or classify a given input based on the operation of the nodes or individuals. Claims are grouped related to similarity and anticipation is noted with exceptions (EN).

Claims 5, 7, 9

BrainMaker anticipates a input unit for inputting information about a period

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of an experience of acquiring knowledge, information about knowledge acquired from the experience, and information about an individual possessing the knowledge (**BrainMaker**, p2-13:20-26; EN: ¶ 14. applies; such is training data); an analysis unit for analyzing the inputted information to determine a propagation state of the knowledge among a plurality of individuals (**BrainMaker**, p1-7, Fig.; p1-10; p1-7:7-15; EN: individuals are synonymous with nodes; analysis unit is the hidden layer of the neural network); and an output unit for displaying and outputting the analyzed propagation state of the knowledge (**BrainMaker**, p4-22, p4-23; p4-23, Fig.; EN: the error related to number of runs is equivalent to "outputting the analyzed propagation state of the knowledge"; the activity to which the knowledge has been applied relates to the characteristic of the training data set; job training categories is merely a descriptive title).

Claim 6

BrainMaker anticipates the analysis unit further calculates a propagation velocity of the knowledge among the plurality of individuals based on the inputted information about a period of an experience (**BrainMaker**, p4-22, p4-23; p4-23, Fig.; EN: the error related to number of runs is equivalent to "outputting the analyzed propagation state of the knowledge"; graph indicates rate of change by the slope).

Claims 8, 10, 11, 12, 13, 14, 22, 23, 24, 25, 26

BrainMaker anticipates a an input unit for inputting information about a personal experience gained from a past activity, information about knowledge acquired from the experience, and information about application of the knowledge (**BrainMaker**, p2-13:20-

26; EN: ¶ 14. applies; such is training data); an analysis unit for analyzing the inputted information to identify a knowledge creation process which converts an experience into knowledge and a knowledge creation process which applies knowledge to a new activity (**BrainMaker**, p1-7, Fig.; p1-10; p1-7:7-15; p2-5:4-5); and a calculating unit for calculating a total number of pieces of knowledge acquired or applied in accordance with each knowledge creation process (**BrainMaker**, p4-22, p4-23; p4-23, Fig.; EN: such is a histogram); and an output unit for displaying and outputting the calculated values (**BrainMaker**, p4-22, p4-23; p4-23, Fig.; EN: the error related to number of runs is equivalent to "outputting the analyzed propagation state of the knowledge"; the activity to which the knowledge has been applied relates to the characteristic of the training data set; the Fig. On page 1-23 is representative of a two dimensional table; "job category" is merely a description of data).

Claims 16, 17, 18, 19

BrainMaker anticipates a computer program product bearing instructions for making a computer execute a knowledge management process based on personal experiences, the instructions causing the computer to execute the knowledge management process for reuse of knowledge which converts an experience gained from a past activity into knowledge by a knowledge creation process and applies the knowledge to a new activity based on inputted information including information about a personal experience gained from a past activity, information about knowledge acquired from the experience and information about application of the knowledge, the knowledge management process including (**BrainMaker**, p1-13; p2-5:1-13): identifying an activity

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where the knowledge has been acquired from the experience, and an activity where the knowledge has been applied (**BrainMaker**, p2-5:1-13); and calculating a total number of pieces of knowledge acquired or applied in accordance with each activity (**BrainMaker**, p4-23); and outputting the calculated values (**BrainMaker**, p4-22, p4-23; p4-23, Fig.;

EN: the error related to number of runs is equivalent to "outputting the calculated values"; job category is merely a descriptive title of data).

Claim 20

BrainMaker anticipates calculating a propagation velocity based on the propagation state of the knowledge among the individuals (**BrainMaker**, p4-22, p4-23; EN: propagation velocity is the rate of change of the error); and displaying or outputting the calculated propagation velocity (**BrainMaker**, p4-22, p4-23 (**BrainMaker**, p4-22, p4-23; EN: propagation velocity is the rate of change of the error; the graph is the output).

Response to Arguments

8. The drawings submitted on April 30, 2004 are accepted. The drawing objection cited in the Office Action dated December 12, 2006 is withdrawn.

9. The rejection of claims 1, 2, 6-14, 19, 25 and 26 under 35 USC § 112, second paragraph, are withdrawn.

10. The rejection of claims 4-9, 16-20, 22-26 under 35 USC § 101 as cited in the Office Action dated December 12, 2006 is withdrawn.

Examination Considerations

11. The claims and only the claims form the metes and bounds of the invention.

"Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

12. Examiner's Notes are provided with the cited references to prior art to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but a link to prior art that one of ordinary skill in the art would find inherently appropriate.

13. Unless otherwise annotated, Examiner's statements are to be interpreted in reference to that of one of ordinary skill in the art. Statements made in reference to the condition of the disclosure constitute, on the face of it, the basis and such would be

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obvious to one of ordinary skill in the art, establishing thereby an inherent prima facie statement.

14. Examiner's Opinion: ¶¶ 11.-13. apply. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

Conclusion

15. Claims 5-14, 16-20 and 22-26 are rejected.

Correspondence Information

16. Any inquiry concerning this information or related to the subject disclosure should be directed to the Primary Examiner, Joseph P. Hirl, whose telephone number is (571) 272-3685. The Examiner can be reached on Monday – Thursday from 6:00 a.m. to 4:30 p.m.

As detailed in MPEP 502.03, communications via Internet e-mail are at the discretion of the applicant. Without a written authorization by applicant recorded in the applicant's file, the USPTO will not respond via e-mail to any Internet correspondence which contains information subject to the confidentiality requirement as set forth in 35 U.S.C. 122. A paper copy of such correspondence will be placed in the appropriate patent application. The following is an example authorization which may be used by the applicant:

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Notwithstanding the lack of security with Internet Communications, I hereby authorize the USPTO to communicate with me concerning any subject matter related to the instant application by e-mail. I understand that a copy of such communications related to formal submissions will be made of record in the applications file.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, David R. Vincent can be reached at (571) 272-3080.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,

Washington, D. C. 20231;

Hand delivered to:

Receptionist,

Customer Service Window,

Randolph Building,

401 Dulany Street,

Alexandria, Virginia 22313,

(located on the first floor of the south side of the Randolph Building);

or faxed to:

(571) 273-8300 (for formal communications intended for entry.

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you have any questions on access to Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll free).

A handwritten signature in black ink, appearing to read 'J. Hirl', written over the printed name.

Joseph P. Hirl

Primary Examiner

July 3, 2007